

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,)	
)	
Plaintiff-Counterclaim Defendant,)	
)	
v.)	
)	
LEACHCO, INC.,)	
)	
Defendant-Counterclaim Plaintiff,)	No. 3:07-cv-01600-ARC
)	
and)	(Judge A. Richard Caputo)
)	
JAMIE S. LEACH,)	(electronically filed)
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
JOHN M. KIEFER, JR.,)	
)	
Counterclaim Defendant.)	

COUNTERCLAIM PLAINTIFFS' MOTION TO STRIKE

The Counterclaim Plaintiffs move, pursuant to Rule 12(f), Federal Rules of Civil Procedure, to strike as insufficient the defenses alleged in paragraphs 27, 30 and 37-39 of the reply to counterclaims filed November 20, 2007 (Doc. 11).

The grounds for this Motion are explained in the accompanying Brief.

The undersigned counsel certifies that he conferred by telephone with Dr. Mitchell A. Smolow, counsel for Counterclaim Defendant Babyage.com, Inc., and sought his client's concurrence in the instant Motion. Such concurrence was refused.

Respectfully submitted,

s/ Gary Peterson

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CERTIFICATE OF SERVICE

I certify that I electronically transmitted this document to the Clerk using the ECF System so as to cause transmittal of a Notice of a Electronic Filing to the following ECF registrant:

Dr. Mitchell A. Smolow

Attorney for Plaintiff, on November 28, 2007.

s/ Gary Peterson